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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 **ORDER FOR VOLUNTARY DISMISSAL**

11 MANJAN A. CHOWDHURY, Derivatively
on Behalf of Nominal Defendant PLAYAGS,
INC.,

12 Plaintiff,

13 v.

14 DAVID LOPEZ, KIMO AKIONA, DAVID
15 SAMBUR, DANIEL COHEN, ERIC PRESS,
YVETTE E. LANDAU, ADAM CHIBIB,
16 GEOFF FREEMAN, and ANNA MASSION,

17 Defendants,

18 and

19 PLAYAGS, INC.,

20 Nominal Defendant

Case No. 2:22-cv-00489-ART-DJA

1 WHEREAS, on March 18, 2022, Manjan A. Chowdhury (“Plaintiff”) commenced the
2 above-captioned action allegedly on behalf of PlayAGS, Inc. (“AGS”) against the Defendants David
3 Lopez, Kimo Akiona, David Sambur, Daniel Cohen, Eric Press, Yvette E. Landau, Adam Chibib,
4 Geoff Freeman, and Anna Massion (“Individual Defendants”), alleging breach of fiduciary duty and
5 contribution under Sections 10(b) and 21D of the Securities Exchange Act of 1934 (ECF No. 1);

6 WHEREAS, on June 9, 2022, the Court granted the parties’ stipulation staying proceedings
7 pending resolution of the motions to dismiss (and exhaustion of any appeals) filed in the related
8 action, captioned *In re PlayAGS, Inc. Securities Litigation*, Case No. 2:20-cv-01209-JCM-NJK (the
9 “Securities Class Action”) (See ECF No. 16);

10 WHEREAS, on December 2, 2022, the motions to dismiss the Securities Class Action were
11 granted-in-part and denied-in-part;

12 WHEREAS, on December 5, 2022, the parties in this action filed a joint status report
13 advising the Court of the December 2 opinion in the Securities Class Action and their expectation
14 that the Securities Class Action Plaintiff would file an amended complaint, and requesting that this
15 derivative action remain stayed pending resolution of the motion to dismiss process in the Securities
16 Class Action (ECF No. 19);

17 WHEREAS, on December 6, 2022, this Court granted the parties’ joint request to continue
18 the stay pending resolution of the motion to dismiss process in the Securities Class Action (ECF No.
19 20);

20 WHEREAS, on January 3, 2023, the Securities Class Action Plaintiff filed a notice of intent
21 not to amend the operative complaint in the Securities Class Action;

22 WHEREAS, on January 17, 2023, AGS and Defendants Lopez and Akiona (“Executive
23 Defendants”) filed an Answer in the Securities Class Action and a Motion for Judgment on the
24 Pleadings on the sole remaining claim;

25 WHEREAS, on January 27, 2023, the Court granted the parties’ stipulation staying
26 proceedings pending resolution of the Motion for Judgment on the Pleadings in the Securities Class
27 Action pursuant to Paragraph 3 of the Parties’ so-ordered stipulation (ECF No. 16);
28

1 WHEREAS, on February 12, 2024, the Court granted the AGS and Executive Defendants’
2 motion for judgment on the pleadings and dismissed the Securities Class Action with prejudice;

3 WHEREAS, on March 14, 2024, the Securities Class Action Plaintiff filed a notice of appeal,
4 which was docketed as *Oklahoma Police Pension and Retirement System v. PlayAGS, Inc., et al.*,
5 No. 24-01701 (9th Cir.) (the “Securities Class Action Appeal”);

6 WHEREAS, on December 18, 2024, the Court granted the parties’ joint request to stay
7 proceedings pending final decision in the Securities Class Action Appeal (ECF No. 30);

8 WHEREAS, on March 27, 2025, the Ninth Circuit Court of Appeals affirmed the dismissal
9 of the Securities Class Action;

10 WHEREAS, as a result of the foregoing, Plaintiff wishes to voluntarily dismiss this Action
11 pursuant to Rules 23.1(c) and 41(a) of the Federal Rules of Civil Procedure, without prejudice to
12 Plaintiff, AGS, and/or any other AGS shareholder;

13 WHEREAS, the parties agree that the dismissal is not, and shall not be deemed to be, an
14 adjudication of this Action on the merits, and that each Party shall bear its own fees and costs
15 incurred in connection with this Action; and

16 WHEREAS, the Parties agree and respectfully submit that notice to shareholders of this
17 dismissal is unnecessary here because: (i) the dismissal is without prejudice to the ability of any
18 AGS shareholder, or AGS itself, to pursue the claims; (ii) there has been no settlement or
19 compromise of the Action; (iii) there has been no collusion among the Parties; and (iv) neither
20 Plaintiff nor his counsel have received or will receive directly or indirectly any consideration from
21 Defendants for the dismissal;

22 NOW, THEREFORE, the Parties hereby stipulate and agree, subject to the Court’s approval,
23 as follows:

24 1. This Action shall be dismissed without prejudice as to Plaintiff, AGS, and/or any
25 other AGS shareholder; and

26 2. The Parties shall bear their own fees and costs in connection with this Action.

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DATED this 17th day of April 2025.

**BROWNSTEIN HYATT FARBER
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Counsel for Plaintiff Manjan Chowdhury

ORDER

IT IS SO ORDERED: 5/27/2025



HON. ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE